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7 *Counsel for James M. Rhodes*

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9 **UNITED STATES BANKRUPTCY COURT**

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11 **DISTRICT OF NEVADA**

12 In re:

13 THE RHODES COMPANIES, LLC, aka  
14 "Rhodes Homes," et al.,

15 Reorganized Debtors

16 Case No.: 09-14814-LBR  
(Jointly Administered)

17 Chapter 11

**DECLARATION OF KEVIN N.  
ANDERSON**

Hearing Date: October 5, 2011  
Hearing Time: 9:30 a.m.  
Place: Courtroom 1

18  
19  Affects all Debtors

20  Affects the following Debtors

21 I, Kevin N. Anderson, make the following statement under the penalty of perjury of the  
22 laws of the United States of America and the laws of the State of Nevada.

23 1. I am over the age of eighteen (18).

24 2. I am an attorney licensed to practice law in the State of Nevada.

25 3. I represent James M. Rhodes ("Rhodes") in the above-entitled bankruptcy case.

4. On August 30, 2011, the Litigation Trust began issuing expansive subpoenas requesting vast amounts of irrelevant, privileged, confidential and personally identifiable information (the “**Rule 2004 Subpoenas**”).

5. On or about September 12, 2011, the Litigation Trust sent a subpoena to my law firm, Fabian & Clendenin.

6. It was not until September 15, 2011, after Rhodes had filed his *Motion to Quash Orders of Rule 2004 Examination and Corresponding Subpoenas and/or for Protective Orders* (the “**Motion to Quash**”), that the Litigation Trust provided me with copies of all the Rule 2004 Subpoenas issued by the Litigation Trust.

7. Also on September 15, 2011, the Litigation Trust declined my proposal that the hearing on the Motion to Quash be heard on an expedited basis due to the urgency and exigent nature of the Rule 2004 Subpoenas.

8. On September 30, 2011, I contacted counsel for the Litigation Trust, Michael Yoder, and attempted to resolve the various objections Rhodes has with the Rule 2004 Subpoenas.

DATED this 30th day of September, 2011.

/s/ Kevin N. Anderson

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Kevin N. Anderson